



General Assembly

January Session, 2005

***Raised Bill No. 6812***

LCO No. 3719

\* \_\_\_\_\_HB06812JUD\_\_\_\_041505\_\_\_\_\_\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***AN ACT CONCERNING PUBLIC ACCESS TO PROCEEDINGS IN  
CERTAIN JUVENILE MATTERS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. Section 46b-122 of the general statutes is repealed and the  
2       following is substituted in lieu thereof (*Effective October 1, 2005*):

3       (a) All matters which are juvenile matters, as provided in section  
4       46b-121, shall be kept separate and apart from all other business of the  
5       Superior Court as far as is practicable, except matters transferred  
6       under the provisions of section 46b-127, which matters shall be  
7       transferred to the regular criminal docket of the Superior Court. Any  
8       judge hearing a [juvenile] delinquency matter or a matter concerning a  
9       family with service needs may, during such hearing, exclude from the  
10      room in which such hearing is held any person whose presence is, in  
11      the court's opinion, not necessary, except that in delinquency  
12      proceedings any victim of the delinquent act, the parents or guardian  
13      of such victim and any victim advocate appointed pursuant to section  
14      54-221 shall not be excluded unless the judge specifically orders  
15      otherwise.

16     (b) Members of the public may attend proceedings in which a child  
17     is alleged to be uncared for, neglected, abused or dependent or is the  
18     subject of a petition for termination of parental rights, except that the  
19     court may exclude any person from such proceedings if the court  
20     determines, on a case-by-case basis, that such exclusion is warranted.  
21     In making such determination, the court may consider, among other  
22     factors, whether: (1) The person is causing or is likely to cause a  
23     disruption in the proceedings; (2) the presence of the person is objected  
24     to for a compelling reason by one of the parties, including the attorney  
25     for the child or a guardian ad litem; (3) the privacy interests of  
26     individuals before the court and the need to protect the child and other  
27     parties from harm requires that the person, or some or all observers, be  
28     excluded from the courtroom; (4) the presence of the person will  
29     inhibit testimony or the disclosure or discussion of information  
30     material to the proceedings; and (5) less restrictive alternatives to  
31     exclusion are unavailable or inappropriate to the circumstances of the  
32     particular case. The court shall make its findings and determination on  
33     the record.

34     (c) If a member of the public is in attendance at any proceeding  
35     pursuant to subsection (b) of this section, the court shall consider, on a  
36     case-by-case basis, whether there is a compelling reason to issue an  
37     order prohibiting the member of the public from using or  
38     disseminating the name, address, photograph or other personally  
39     identifiable information about a child, parent or guardian disclosed  
40     during the proceedings. In determining whether a compelling reason  
41     to issue such order exists, the court shall consider, among other factors:  
42     (1) The nature of the allegations; (2) the age and maturity of the child;  
43     (3) the emotional well-being of the child; (4) the potential harm to the  
44     child if such information is disclosed; and (5) the public interest in  
45     disclosure.

46     (d) Nothing in this section shall be construed to affect the  
47     confidentiality of records of cases of juvenile matters as set forth in  
48     section 46b-124.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2005</i>	46b-122
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***JUD***      *Joint Favorable*